



General Assembly

January Session, 2009

Committee Bill No. 5045

LCO No. 2396

02396HB05045AGE

Referred to Committee on Select Committee on Aging

Introduced by:
(AGE)

AN ACT CONCERNING THE ELDERLY TAX FREEZE PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Subsection (a) of section 12-129b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage and applicable to assessment years commencing on or after October 1,*
4 *2009*):
- 5 (a) (1) An owner of real property or any tenant for life or for a term
6 of years liable for property taxes under section 12-48 who meets the
7 qualifications stated in this [subsection] subdivision shall be entitled to
8 pay the tax levied on [said] such property, calculated in accordance
9 with the provisions of subsection (b) of this section for the first year his
10 claim for [said] such tax relief is filed and approved in accordance with
11 the provisions of section 12-129c, and he shall be entitled to continue to
12 pay the amount of [said] such tax or such lesser amount as may be
13 levied in any year, without regard to the provisions of this section and
14 section 12-129c, during each subsequent year that he shall meet [said]
15 such qualifications, and the surviving spouse of such owner or tenant,
16 qualified in accordance with the requirements pertaining to a
17 surviving spouse in this [subsection] subdivision, or any owner or

18 tenant possessing a joint interest in [said] such property with such
19 owner at the time of such owner's death and qualified at such time in
20 accordance with the requirements in this [subsection] subdivision,
21 shall be entitled to continue to pay the amount of [said] such tax or
22 such lesser amount as may be levied in any year, without regard to the
23 provisions of this section and section 12-129c, as it becomes due each
24 year following the death of such owner for as long as such surviving
25 spouse or joint owner or joint tenant is qualified in accordance with the
26 requirements in this [subsection] subdivision. After the first year a
27 claim for [said] such tax relief is filed and approved, application for
28 [said] such tax relief shall be filed biennially on a form prepared for
29 such purpose by the Secretary of the Office of Policy and Management.
30 No such owner or tenant may qualify for said tax relief if such claim is
31 filed after May 15, 1980. Any such owner or tenant who is qualified in
32 accordance with this section and who files such claim on or before May
33 15, 1980, and any such surviving spouse or joint owner or joint tenant
34 surviving upon the death of such owner or tenant, shall be entitled to
35 pay [said] such tax in the amount as provided in this section for [so] as
36 long as such owner or tenant or such surviving spouse or joint owner
37 or joint tenant continues to be so qualified. To qualify for the tax relief
38 provided in this section a taxpayer shall meet all the following
39 requirements: [(1)] (A) Be sixty-five years of age or over, or his spouse,
40 who is domiciled with him, shall be sixty-five years or over, or be fifty
41 years of age or over and the surviving spouse of a taxpayer who at the
42 time of his death had qualified and was entitled to tax relief under this
43 section and section 12-129c, provided such spouse was domiciled with
44 such taxpayer at the time of his death, and [(2)] (B) occupy [said] such
45 real property as his home, and [(3)] (C) either he or his spouse shall
46 have resided within this state for at least one year before filing his
47 claim under this section and section 12-129c, and [(4)] (D) have had
48 adjusted gross income as determined under the Internal Revenue Code
49 of 1986, or any subsequent corresponding internal revenue code of the
50 United States, as from time to time amended, during the calendar year
51 preceding the filing of his claim in an amount of not more than three

52 thousand dollars if he shall be unmarried, or have adjusted gross
53 income as determined under the Internal Revenue Code of 1986, or any
54 subsequent corresponding internal revenue code of the United States,
55 as from time to time amended, during the calendar year preceding the
56 filing of the claim in an amount of not more than five thousand dollars
57 if he shall be married and domiciled with his spouse or, on or after
58 April 9, 1974, individually, if unmarried, or jointly if married, adjusted
59 gross income and tax-exempt interest as determined under the Internal
60 Revenue Code of 1986, or any subsequent corresponding internal
61 revenue code of the United States, as from time to time amended,
62 which is qualifying income, during the calendar year preceding the
63 filing of the claim in an amount of not more than six thousand dollars.
64 Notwithstanding provisions of [the] said Internal Revenue Code under
65 which certain portions of railroad retirement annuities are considered
66 taxable income, for purposes of this [subdivision] subparagraph the
67 adjusted gross income of any such taxpayer for any income year
68 commencing on or after January 1, 1984, shall not include any portion
69 of such taxpayer's income from railroad retirement annuities received
70 under the Railroad Retirement Act, exclusive of any such income
71 payable in accordance with the supplemental annuity provisions of
72 said act. Notwithstanding any provision of [the] said Internal Revenue
73 Code under which any portion of income received as a pension from
74 the United States Postal System is considered taxable income, for
75 purposes of this [subdivision] subparagraph the adjusted gross income
76 of any such person for any income year commencing on or after
77 January 1, 1996, shall not include any portion of said pension. A
78 person who received pension income in the 1996 calendar year from
79 the United States Postal System and who filed an application under
80 subsection (e) of section 12-170aa prior to May 15, 1997, in lieu of filing
81 an application under section 12-129c, shall be allowed to file an
82 application under said section 12-129c with respect to income received
83 during the 1996 calendar year, provided such application is filed prior
84 to August 1, 1998. Notwithstanding the provisions of this section and
85 subsection (c) of section 12-129b, the assessor of the town in which

86 such person resides shall, upon approving such application, reinstate
87 such person's tax relief benefits under this section, as of the 1996 grand
88 list, and shall notify the tax collector to remove any property tax credit
89 under section 12-170aa that is reflected on such person's rate bill for
90 that assessment year.

91 (2) (A) An owner of real property or any tenant for life or for a term
92 of years liable for property taxes under section 12-48 who meets the
93 qualifications stated in this subdivision shall be entitled to pay the tax
94 levied on such property, calculated in accordance with the provisions
95 of subsection (b) of this section for the first year his claim for such tax
96 relief is filed and approved in accordance with the provisions of
97 section 12-129c, and he shall be entitled to continue to pay the amount
98 of such tax or such lesser amount as may be levied in any year,
99 without regard to the provisions of this section and section 12-129c,
100 during each subsequent year that he shall meet such qualifications,
101 and the surviving spouse of such owner or tenant, qualified in
102 accordance with the requirements pertaining to a surviving spouse in
103 this subdivision, or any owner or tenant possessing a joint interest in
104 such property with such owner at the time of such owner's death and
105 qualified at such time in accordance with the requirements in this
106 subdivision, shall be entitled to continue to pay the amount of such tax
107 or such lesser amount as may be levied in any year, without regard to
108 the provisions of this section and section 12-129c, as it becomes due
109 each year following the death of such owner for as long as such
110 surviving spouse or joint owner or joint tenant is qualified in
111 accordance with the requirements in this subsection. After the first
112 year a claim for such tax relief is filed and approved, application for
113 such tax relief shall be filed biennially on a form prepared for such
114 purpose by the Secretary of the Office of Policy and Management. No
115 such owner or tenant may qualify for such tax relief under this
116 subdivision for the amount of tax levied for any assessment year
117 before October 1, 2009. Any such owner or tenant who is qualified in
118 accordance with this section and who files a claim for tax relief for an
119 assessment year commencing October 1, 2009, and each assessment

120 year thereafter, and any such surviving spouse or joint owner or joint
121 tenant surviving upon the death of such owner or tenant, shall be
122 entitled to pay such tax in the amount as provided in this section for as
123 long as such owner or tenant or such surviving spouse or joint owner
124 or joint tenant continues to be so qualified. To qualify for the tax relief
125 provided in this section, a taxpayer shall meet all the following
126 requirements: (i) Be sixty-five years of age or over, or his spouse, who
127 is domiciled with him, shall be sixty-five years of age or over, or be
128 fifty years of age or over and the surviving spouse of a taxpayer who
129 at the time of his death had qualified and was entitled to tax relief
130 under this section and section 12-129c, provided such spouse was
131 domiciled with such taxpayer at the time of his death, and (ii) occupy
132 such real property as his home, and (iii) either he or his spouse shall
133 have resided within this state for at least one year before filing his
134 claim under this section and section 12-129c, and (iv) have had taxable
135 and nontaxable income, the total of which shall hereinafter be called
136 "qualifying income", in the tax year of such homeowner ending
137 immediately preceding the date of application for benefits under the
138 program in this section, in an amount of not more than thirty thousand
139 dollars, if unmarried, or in an amount of not more than fifty thousand
140 dollars, jointly with spouse if married, subject to adjustments in
141 accordance with subparagraph (B) of this subdivision. The amount of
142 any Medicaid payments made on behalf of such homeowner or the
143 spouse of such homeowner shall not constitute income.

144 (B) The amounts of qualifying income as provided in this
145 subdivision shall be adjusted annually in a uniform manner to reflect
146 the annual inflation adjustment in Social Security income, with each
147 such adjustment of qualifying income determined to the nearest one
148 hundred dollars. Each such adjustment of qualifying income shall be
149 prepared by the Secretary of the Office of Policy and Management in
150 relation to the annual inflation adjustment in Social Security, if any,
151 becoming effective at any time during the twelve-month period
152 immediately preceding the first day of October each year and the
153 amount of such adjustment shall be distributed to the assessors in each

154 municipality not later than the thirty-first day of December next
 155 following.

156 (C) For purposes of determining qualifying income under this
 157 subdivision with respect to a married homeowner who submits an
 158 application for tax reduction in accordance with this section, the Social
 159 Security income of the spouse of such homeowner shall not be
 160 included in the qualifying income of such homeowner, for purposes of
 161 determining eligibility for benefits under this section, if such spouse is
 162 a resident of a health care or nursing home facility in this state
 163 receiving payment related to such spouse under the Title XIX Medicaid
 164 program. An applicant who is legally separated pursuant to the
 165 provisions of section 46b-40 as of the thirty-first day of December
 166 preceding the date on which such person files a claim for tax relief, in
 167 accordance with section 12-129c, may apply as an unmarried person
 168 and shall be regarded as such for purposes of determining qualifying
 169 income under this subdivision.

170 (3) Any owner or tenant who qualifies for property tax relief under
 171 this section and under section 12-170aa shall be entitled to property tax
 172 relief under only one of said sections.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to assessment years commencing on or after October 1, 2009</i>	12-129b(a)

Statement of Purpose:

To reduce the property tax burden on seniors living on a fixed income while providing due compensation from the state to local municipalities for any loss in local tax revenue.

Co-Sponsors: REP. JANOWSKI, 56th Dist.

H.B. 5045